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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

In re K.B., a Person Coming Under the Juvenile
Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

K.B.,

Defendant and Appellant.

F077017

(Super. Ct. No. 16CEJ600220)

OPINION

THE COURT*

APPEAL from orders of the Superior Court of Fresno County. Houry A.
Sanderson, Judge.

Robert McLaughlin, under appointment by the Court of Appeal, for Defendant and
Appellant.

Office of the State Attorney General, Sacramento, California, for Plaintiff and
Respondent.

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* Before Detjen, Acting P.J., Franson, J. and Meehan, J.

The court readjudged appellant K.B. a ward of the court (Welf. & Inst. Code, § 602) after it sustained allegations charging him with assault with an assault weapon (Pen. Code, § 245, subd (a)(3); count 1),¹ and possession of an assault weapon (§ 30605, subd. (a); count 3). The court also found true a personal use of an assault weapon enhancement (§ 12022.5, subds. (b) & (d)), and personal use of a firearm enhancement (§ 12022.5, subd. (a)) in count 1. !(CT: 342-344.)! Following an independent review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436, we affirm.

FACTUAL AND PROCEDURAL HISTORY

On May 30, 2017, at around 6:00 p.m., after seeing a silver Dodge drive past her house and stop in front of an apartment complex, N.W. heard what she thought was a gunshot. She then saw two male juveniles exit the car. One juvenile wore a blue shirt and dark pants and was carrying a rifle; the other wore a white shirt and dark pants. The two juveniles ran down the street and forced a man, at gunpoint, to get on the ground. As the man on the ground held his arms up and appeared to be pleading with the juveniles, the juvenile in the blue shirt pointed the rifle at him. The other juvenile looked like he had something in his hand that he also pointed at the man on the ground. After about two minutes, the two juveniles ran off without shooting the man on the ground, who then got up and ran away. A few minutes later, the two juveniles got into a car that then drove off.

Fresno Police Officer Torres was en route with Officer Castillo to the location of the assault when he saw a silver Dodge. He attempted to stop the car and it initially yielded at an intersection. However, when Torres and Castillo began to exit their car, the Dodge drove off. Torres continued following the Dodge, until it crashed into a parked car on Tupman Street. Two males then got out of the Dodge and ran between two houses towards the backyards. One male wore a blue shirt and faded blue jeans and was carrying a rifle in his hands. The other wore a white shirt and black pants. At the

¹ All further statutory references are to the Penal Code.

jurisdictional hearing, Torres identified appellant as the male who wore the blue shirt and blue jeans.

Gwendolyn Bivings saw a person wearing a blue shirt and holding a rifle running down the side of her house toward her backyard. After finding a rifle in her backyard, she waved Officer Art Rodriguez over to remove it. Rodriguez went to the backyard and found a .762-caliber AK-47 assault rifle with one round in the chamber and 39 more in a high-capacity magazine.

The male who wore a white shirt ran into the backyard of the house next to Bivings's house and was eventually taken into custody after he was found hiding under a car in the yard. A handgun was also found in the yard.

Meanwhile, Officer Sean Morris saw a young male wearing black basketball shorts and no shirt come around the corner of some apartments. The male was out of breath, sweating profusely, and had scrapes on his knees. He identified himself as appellant and was handcuffed and placed in the back of a patrol car. Officer Torres later located a blue shirt and blue jeans that matched the clothing appellant wore when he exited the Dodge on Tupman Street and fled.

During an in-field showup, N.W. identified appellant as the man in the blue shirt that she saw earlier holding the rifle. She identified the other male as the one she saw who appeared to be holding something in his hand.

On November 20, 2017, the Fresno County District Attorney filed a petition, that in addition to charging appellant with the counts and enhancements that were found true, also charged him with assault with a deadly weapon (§ 245, subd. (a)(2); count 2).

On November 27, 2017, the court found the allegations in the petition true, as noted above.

On December 20, 2017, appellant filed a motion requesting that the matter be transferred to Alameda County for disposition.

On December 22, 2017, the court denied appellant's motion.

On January 5, 2018, the court set appellant's maximum term of confinement at 19 years 8 months, awarded him 504 days of custody credit, and committed him to the Department of Corrections and Rehabilitation, Division of Juvenile Justice.

On February 7, 2018, appellant filed a timely appeal.

Appellant's appellate counsel has filed a brief that summarizes the facts, with citations to the record, raises no issues, and asks this court to independently review the record. (*People v. Wende, supra*, 25 Cal.3d 436.) Appellant has not responded to this court's invitation to submit additional briefing. However, in appellant's *Wende* brief, appellate counsel lists several issues that he asserts appellant would like this court to consider. When appellant himself raises specific issues in a *Wende* proceeding, we must expressly address them in our opinion and explain why they fail. (*People v. Kelly* (2006) 40 Cal.4th 106, 110.) But *Kelly* does not apply here because these issues were presented by appellate counsel, not appellant. Nevertheless, we have considered the issues listed by counsel and conclude they fail on the merits.

Further, following an independent review of the record, we find that no reasonably arguable factual or legal issues exist.

DISPOSITION

The orders are affirmed.